



[Redacted]

[Redacted], Superintendent
[Redacted]
[Redacted]
[Redacted], NE [Redacted]

[Redacted]
[Redacted]
[Redacted], NE [Redacted]

Dear Mr. [Redacted] and Ms. [Redacted]:

The Nebraska Department of Education, Office of Special Education (OSE) received a letter of complaint on June 1, 2023, filed on behalf of [Redacted], a student enrolled at [Redacted] by [Redacted] parent of [Redacted]. The complaint included two allegations. Based on the allegations, the following issues were identified to be investigated:

1. Did [Redacted] implement the student's accommodations and services during core instruction? [92 NAC 51-007.02]
2. Did [Redacted] develop the student's transition plan to include a course of study compatible with graduation and services incorporating the student's most recent evaluation to assist the student to reach the student's transition goals? [92 NAC 51-007.07A9b]

Through discussion with the District, NDE re-reviewed the letter of complaint and reframed Issue #1 to align with the parent's concerns to address how accommodations and services were written in the Student's IEP developed during the May 4, 2023, meeting.

Complaint Resolution

In its June 9, 2023, letter to complainant and letter to the district, opening the complaint investigation, OSE indicated that one of the components of the complaint investigation requires OSE to permit the district to propose a resolution to OSE to resolve the complaint. The district has proposed a resolution to OSE to resolve the complaint and OSE has accepted that resolution. OSE Issues this written decision that addresses each allegation in the complaint and contains findings of fact and conclusions; and the reasons for OSE's final decision. OSE will follow up on this final decision ensuring and verifying that the district completes all resolution activities within stated timelines.

Findings of Fact

The Letter of Complaint that OSE received on June 1, 2023, included the following:

- The IEP is not meeting Larry's needs.
- The district will not provide the parent with what math class in which [Redacted] will be placed.
- [Redacted] is in 9th grade but is currently on a 6th grade math level.
- [Redacted] is on a 6th grade English Level and a 5th grade vocabulary level going into a 9th grade English class.
- The IEP uses vague verbiage seen in all other IEPs.

In the District's Letter of Response that OSE received on June 16, 2023, the District stated the following:

- The District met with [Redacted] on June 1, 2023, the same day the parent filed the complaint.
- During the meeting on June 1, 2023, the group was able to resolve all concerns and came up with a plan to follow up in August with the IEP Team to assure the remedies were memorialized in the IEP.
- The District was willing to propose a resolution to provide extra reassurance to [Redacted] that the District is taking appropriate steps that NDE will be monitoring.
- The District acknowledged during the June 1, 2023, IEP Team meeting that, as written, the accommodations for the Student do not contain adequate frequency or duration information and there may be too many accommodations listed in the Student's IEP. NDE verified upon review of the IEP dated May 4, 2023, the accommodations did not contain frequency or duration as required.
- Based on the agreements made at the June 1, 2023, meeting, the IEP Team agreed to reconvene at the start of the school year to create an addendum to the Student's IEP to adjust for student specific needs and ensure accommodations contained frequency and duration information as required.

Conclusions

The District made proposals to OSE related to each of the issues above. OSE provided additional conditions that the District agreed to implement. As a result, the following is the resolution that OSE and the District have reached:

Resolution Agreement

Resolution for Issue # 1

1. Within two school days of the IEP Team meeting (described below), [Redacted] case manager will meet with all teachers who are responsible for implementing [Redacted] accommodations and modifications to ensure they understand their responsibilities within [Redacted] IEP. The case manager will create an agenda for each meeting and will have it signed by the teacher(s) to evidence the meeting took place. The District will send this documentation to NDE within three school days of the meeting.

2. Within 45 days of NDE's acceptance of this resolution, the District will develop a procedure for ensuring that all staff who are responsible for implementing a child's IEP are familiar with their responsibilities of the IEP. This new procedure will be shared with all staff before August 14, 2023. The District will share this new procedure, and documentation that the procedure was shared with all staff to NDE by August 18, 2023.

Resolution for Issue #2

3. The District will reconvene [Redacted] IEP team, including the Parent, by August 14, 2023 (first day of school for the 2023-24 school year). At the meeting, the team will:
 - a. Amend [Redacted] course of study to ensure it is designed to aid [Redacted] in advancing towards his transition goals as required by Rule 51-007.07A9b as agreed to during the June 1, 2023, meeting.
 - b. The team will also amend [Redacted] accommodations and modifications to ensure they have sufficient data on frequency, location, and duration to ensure compliance with 92 NAC 51 § 007.07A8.
 - c. The District will send [Redacted] previous IEP and the newly updated IEP to NDE within 5 school days of the IEP meeting.

Resolution for both Issue #1 and #2

4. By August 14, 2023 (first day of school for the 23-24 school year), the District will train all its special education staff on properly documenting accommodations and modifications in a student's IEP to include appropriate data on frequency, location, and duration; as well as train all its special education staff on how to develop effective courses of study for transition.
 - a. The District will send NDE its training materials two weeks before the scheduled training for approval.
 - b. The District will provide NDE with a sign in sheet of those who attended the training within 2 days of the training.

Decision and Rationale

As part of the State Complaint process, Rule 51 (92 NAC § 51-009.11C2a) allows the district the opportunity to respond to the complaint including making a proposal to OSE to resolve the complaint. Upon review of the issues within the complaint, the Nebraska Department of Education has determined the District's resolutions put forth in this letter have resolved this complaint and this complaint investigation is now considered closed. If concerns remain on these issues upon the conclusion of the IEP Team meeting and developing a new IEP at the beginning of the 2023-24 school year and the completion of the specified trainings for staff, a new complaint may be filed.

If you have any questions concerning the information within this letter, please contact Kelly Wojcik at 531-207-9986. As the Director of Accountability, she will be able to respond to any questions you may have regarding the information contained in this

report. Christopher Chambers will be following up with the District to ensure the resolution activities have occurred as stated.

Sincerely,

A handwritten signature in cursive script that reads "Amy Rhone".

Amy R. Rhone, Administrator/Director
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CC: Kelly Wojcik, NDE/OSE Director of Accountability
[Redacted], NDE Complaint Investigator, [Redacted]
Christopher Chambers, NDE Complaint Specialist
Jordyn Brummund, NDE Complaint Specialist

